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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,206

12/13/2005

Daijiro Kurosaka

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EXAMINER

MATTHEWS, WILLIAM H

ART UNIT

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3774

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,206	Applicant(s) KUROSAKA ET AL.	
	Examiner William H. Matthews (Howie)	Art Unit 3774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10-24-05, 12-13-05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 16, 28, and 34 are objected to because of the following informalities: claim 16 recites foamed, claim 28 recites “port ion s”, and claim 34 recites “excepting” which are each believed to be typographical errors. Furthermore, the claims recite “the posterior” multiple times (see claim 15 line 4 for example) which should be amended to posterior region, surface, or portion. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18,23,30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites “an edge part” which is unclear if reference is made to previously defined edge part in claim 15.

Claims 19-24 depend from claim 18 and refer to “the edge part” which is unclear whether the edge part of claim 15 or 18 is referenced.

Claims 23 and 30 recite “R (curved surface)” which is not understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-24 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Paul et al. USPN 6468306.

Paul et al. disclose multiple edge configurations for intraocular lens in figures 4-20. Example dimensions are given in Tables I and II at column 8. The lens and haptics may be integrally molded into a single piece (col. 14 lines 10-21) and may be formed from hard PMMA or soft acrylics (col. 5 lines 41-67). The edges shown provide stepped faces as broadly claimed comprising a sudden shift, wall face nearly parallel to the optical axis, a step height of 0.05 mm or more (see Figure 4 and t1 in Tables I-II), a surface which is substantially orthogonal to the optical axis, a posterior portion near the edge part rising toward the edge part in a posterior direction, and portions having acute and obtuse angled or curved portions. Figure 19 show a concavo-convex face into which the stepped face is formed which also meets claim 33.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3774

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paul et al. USPN 6468306.

Paul et al. is silent as to the exact steps taken to manufacture the lens but does describe at column 14 lines 10-21 that known techniques of molding and cutting may be used to form the shaped lenses. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the steps of molding, cutting, and grooving as such steps would be obvious, if not inherent, in view of the teachings of Paul et al. since molding and cutting are well known manufacturing techniques.

Claims 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul et al. USPN 6468306 as applied to claims 15-24,33 above, and further in view of JP 09-276303 ("Hoya", with reference to translation as provided in IDS).

Claims 25-32 further recite the haptics formed of harder PMMA and the lens formed of softer acrylics. Hoya teach intraocular lens forming techniques wherein PMMA haptics and acrylic lenses may be integrally formed in order to securely mold a lens having multiple mechanical properties. See paragraphs 22, 29, and figure 1. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include PMMA haptics and acrylic lens to the lens disclosed in Paul et al. since such a combination is well known in the art as taught by Hoya in order to provide multiple mechanical properties to a unitary lens.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Matthews (Howie) whose telephone number is 571-272-4753. The examiner can normally be reached on Monday-Friday 10-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Isabella can be reached on 571-272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William H. Matthews/
Primary Examiner
Art Unit 3774